## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

JOHN ELMY, individually and on	)	
behalf of all other similarly situated	)	
persons,	)	
Plaintiffs,	)	NO. 3:17-cv-01199
v.	)	JUDGE CAMPBELL
	)	MAGISTRATE JUDGE FRENSLEY
WESTERN EXPRESS, INC., et al.,	)	
	)	
Defendants.	)	

## **ORDER**

Pending before the Court is the Partial Motion to Dismiss filed by Defendant Western Express, Inc. ("Western" or "Western Express") (Doc. No. 170), and the Partial Motion to Dismiss filed by Defendant New Horizons Leasing, Inc. ("New Horizons") (Doc. No. 172). Plaintiff filed a Response in Opposition (Doc. No. 202) and Defendants filed Replies. (Doc. Nos. 211, 213). For the reasons set forth in the accompanying Memorandum, the Defendants' Partial Motions to Dismiss are **DENIED**.

It is so **ORDERED**.

WILLIAM L. CAMPBELL, JR// UNITED STATES DISTRICT JUDGE